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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,262

03/31/2006

Naohiro Kawasaki

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9028

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EXAMINER

MILLER, SAMANTHA A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

08/31/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,262	<b>Applicant(s)</b> KAWASAKI, NAOHIRO	
	<b>Examiner</b> SAMANTHA A. MILLER	<b>Art Unit</b> 3749	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-20 are objected to because of the following informalities: There is a consistent error of making words plural when they should be in singular format. For example in claim 1 "at least one openings" should be "at least one opening"; please read through the claims and make changes where needed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by MAKITA (JP05-296496) using the English translation provided by the applicant.

MAKITA teaches:

1. A fan chamber (3) having a fan (5) disposed therein; a machine chamber (4) separated from the fan chamber; a casing (23) that is disposed inside the fan chamber~ (Fig.6), with the casing having at least one openings (26); a heat-emitting part (22) housed inside of the casing; and an impermeable plate (11) that is disposed in the casing between a position where the openings is disposed and a position where the heat-emitting part is housed (Fig.6), the impermeable plate being further configured and arranged to obstruct passage of water with more difficulty than for air to pass through the opening to the heat-emitting part (para.0021).

2. The casing is disposed in an upper portion of the fan chamber (plate 9 considered the top of the casing).

3. An electrical parts unit (8) that is disposed inside the machine chamber (4) and is for disposing electrical parts other than the heat-emitting part (Fig.6) (para.0019).

4. The casing (23) is disposed inside the fan chamber at a side (one side of 2) that is opposite from the side (the other side of 2) near the machine chamber.

5. A fan base (6 connecting or mounting fan 5 to the chamber 3) configured and arranged for disposing the fan in the fan chamber with the fan supported on the fan base and, wherein the casing (23) attached to the fan base (Fig.6).

6. The impermeable plate includes a protruding portions (13 surrounding 26) that protrudes in a direction away (a direction towards 9) from the portion housing the heat-emitting part toward the openings (26) in the casing, and the protruding portions includes, in their lower end portions, of the impermeable plate (11) is arranged such a

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water-stopping holes (13, 12, and 20) is formed at a lower end of the protruding portion that allows a space in a vicinity of the heat-emitting part and a space (between 11 and 14) in a vicinity of the openings of the casing to be communicated in a vertical direction (Fig.6 and Fig.9) (para.0021).

7. The openings (26) in the casing (23) are is an intake ports that takes in inside of the casing, air from outside the casing to inside the casing, and the casing further includes a discharge port (24) that discharges to the outside (thru 3 to the outside), air passing through the water-stopping holes in the impermeable plate to the outside of the casing (thru the plate 11 casing 23 and chamber 3)

8. The heat-emitting part (22) is disposed at a position with a predetermined height (the height show from 22 to 24) from a bottom surface (24) of the casing.

9. The heat-emitting part is a reactor (since the device taught is producing heat it is considered a reactor) that is configured to be used in an inverter circuit for conducting air-conditioning control (this is interpreted to being intended use and the heat emitting part 22 in the reference is capable to be used in an inverter circuit for conducting air-conditioning control).

Regarding the rejection of claims 10-20; refer to the rejection of claims 1-9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
Examiner  
Art Unit 3749  
8/14/2010

/Steven B. McAllister/  
Supervisory Patent Examiner, Art Unit 3749